

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

BILLY BROWN,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 3:14-cv-41
)	
ALERIS SPECIFICATION ALLOYS,)	
INC. and WABASH ALLOYS, LLC,)	
)	
Defendants.)	

OPINION & ORDER

The parties have filed a Joint Motion to Approve Settlement Agreement (DE 47). Brown brought this matter for unpaid overtime wages pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* I granted summary judgment against the plaintiff, and Brown appealed to the Seventh Circuit Court of Appeals. (DE 38; DE 40.) Through the circuit's formal mediation process, the parties reached an agreement to resolve both this lawsuit and the appeal. (*See* DE 45 at 2; DE 44.) Accordingly, I will construe their Joint Motion to Approve the Settlement Agreement as a joint motion to set aside the judgment and to approve the settlement agreement.

FLSA actions for recovery of unpaid overtime compensation require either direct supervision by the Secretary of Labor or approval by a district court. *See* 29 U.S.C. § 216 (c). When parties move for approval of a stipulated settlement of such actions, the district court must review the settlement for fairness and, if satisfied, may enter a stipulated judgment. *Lynn Food Stores, Inc. v. United States*, 679 F.2d 1350, 1354 (11th Cir.

1982); *see also, e.g., Burkholder v. City of Fort Wayne*, 750 F.Supp.2d 990, 995 (N.D. Ind. 2010). I have undertaken such a review and find the settlement to be fair and reasonable. The parties were represented by counsel and participated in arm's length settlement discussions leading to the resolution of the matter. While the defendants continue to dispute liability, there are factual and legal issues in this matter that present risk to both parties if they continue litigating. Instead, the parties, with the assistance of their counsel, have reached a fair and reasonable compromise.

Accordingly, the March 28, 2016 opinion granting summary judgment to Aleris Specification Alloys is **VACATED**, and the Joint Motion to Approve Settlement Agreement (DE 47) is **GRANTED**. The proposed settlement agreement (DE 46) filed on July 29, 2016 is **APPROVED**, and the Clerk of Court is **DIRECTED** to unseal the agreement. This cause of action is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

ENTERED: August 22, 2016.

s/ Philip P. Simon
CHIEF JUDGE
UNITED STATES DISTRICT COURT